

RECEIVED  
CENTRAL FAX CENTER

JAN 17 2007

**REMARKS**

Claims 1-10 and 17 were pending in the present application. Claims 11-16 were previously canceled to comply with a restriction requirement. The currently pending claims are objected to in the Office Action for containing subject matter outside the scope of the search made by the Examiner. Applicants note a typographical error on the first sentence on page 4 of the Office Action which should read "[c]laims 1-10 and 17", not "claims 1-10 and 11". Claims 5-10 are canceled and claims 1-3 and 17 are amended herein to comply with the Office Action. These amendments were made to remove subject matter which was not searched and thus the amendments were not made for any reason related to patentability. Applicants reserve the right to incorporate canceled subject matter into a subsequent divisional application without prejudice. The amendments do not incorporate new matter.

Applicants note that the rejection made in this Office Action is a further *de facto* restriction of the elected species. Applicants request that the Examiner "provide a clear and detailed record of the restriction requirement to provide demarcation between the restricted inventions so that it can be determined whether inventions claimed in a continuing application are consonant with the restriction requirement and therefore subject to the prohibition against double patenting under 35 U.S.C. 121". (MPEP §814, emphasis in original).

**CONCLUSION**

In the absence of any cited prior art in the Office Action which would anticipate or render obvious the remaining subject matter, Applicants respectfully request allowance of the currently claimed subject matter and issuance of a Notice of Allowance. If any issues remain which the Examiner believes can be resolved by a telephone conference please telephone or email the undersigned. A petition for a one month extension is attached herewith and Examiner is authorized to deduct the requisite fee under 37 CFR 1.17(a)(1) from Deposit Account No. 18-1700. No other fees should be due; however, in the event an additional fee is required, the Examiner is authorized to deduct the fee from the deposit account.

Respectfully submitted,



Brian L. Buckwalter  
Registration No. 46,585  
Agent for Applicant

January 17, 2007

Roche Palo Alto LLC  
3431 Hillview Avenue,  
Palo Alto, CA 94304-1397  
Phone 650-855-6995  
Fax 650-855-5322  
brian.buckwalter@roche.com